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August 23, 2002

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: WC Docket No. 02-150

Dear Mr. Dortch:

BellSouth described its inadvertent mailing of a "buckslip" concerning its long distance service to approximately 130,000 subscribers outside of Georgia and Louisiana in ex partes dated August 8 and August 14.¹ As noted in those ex partes, each of the buckslips contained a standard note stating that BellSouth long distance service is available only to customers in Georgia and Louisiana. BellSouth quickly discovered the mailing error and disabled the tollfree number printed on the mistaken mailings. That toll free number was assigned to a group of Complete Choice© (a local calling package) representatives who were not part of any effort to sell long distance service.

This letter describes the training and other steps BellSouth had undertaken to ensure compliance with the statutes and regulations governing long distance service before that mailing went out. In addition, this letter describes the additional measures BellSouth has implemented to prevent the reoccurrence of a similar mistake. Those measures include retraining, additional legal review of long distance mailings, including the language describing where BellSouth long distance service is available in the body of the mailing text, and assigning a corporate officer to be specifically accountable for the proper execution of long distance advertising plans.

¹ The long distance "buckslip" was mistakenly sent to a minimal number of consumers in each of the five states involved in this proceeding: 3,300 in Tennessee, 3,500 in Alabama, 800 in Kentucky, 600 in Mississippi, 6,200 in North Carolina and 1,700 in South Carolina. BellSouth serves over 8 million access lines in those five states.

BellSouth has extensively trained its employees on compliance with the Telecommunications Act of 1996 in general and the long distance provisions of that Act in particular. Sales representatives are trained on the long distance prohibition in the Act and that they may only take orders for BellSouth long distance service in states where BellSouth has received approval from the FCC. The employees involved in the mailing in question have been through training, but unfortunately mistakenly approved the mailing. BellSouth has strongly emphasized to those employees the gravity of the mistake.

In addition to training, particularly of retail sales representatives, BellSouth has instituted several checks to guard against the improper provisioning of long distance service. First, BellSouth's retail Operational Support Systems ("OSS") will not accept a service order that specifies BellSouth Long Distance ("BSLD") as the interLATA carrier in states where BellSouth has not received approval from the FCC to offer long distance service. Service orders improperly placed with a PIC change of 0377 (BellSouth Long Distance) elicit format errors and will not flow through BellSouth's OSS systems. If an order including a BSLD calling plan is submitted without using a PIC change, BellSouth's OSS system again elicits format errors, and the service order will not flow through. In addition, although BellSouth Long Distance's CIC code is generally loaded in BellSouth switches for testing purposes, that code is blocked except during particular testing windows. When the code is blocked, it is not available for long distance calling.

BellSouth has instituted additional safeguards against inadvertent communications concerning its long distance service. BellSouth will maintain these safeguards in place until it is authorized to provide long distance service in all nine states in its region. First, BellSouth has retrained personnel in the advertising group. Second, BellSouth has instituted an additional check on all promotional mailings concerning BellSouth long distance services. That check occurs after final proofs of the materials are received from the printer. At that time, the proofs and the mailing plan are reviewed by the Vice President & Associate General Counsel - Regulatory and State Operations, or by a lawyer of his designation, to ensure that the correct mail pieces are matched to the correct mailing plan. This additional process step directly addresses the mistake that occurred, and should prevent any reoccurrence. No promotional mailings concerning BellSouth long distance will go out until this legal review is completed.

Second, BellSouth has also designated a corporate officer, William Pate, Vice-President of Advertising and Public Relations, to be specifically responsible for the proper execution of long distance promotional mailings. As a final added precaution, BellSouth will include a statement setting out the states where BellSouth's offering of long distance service has been approved (or has not been approved) by the FCC in the body of mailings concerning its long distance service.

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BellSouth has mailed the retraction letter discussed in its earlier ex parte. BellSouth deeply regrets this mailing mistake and especially any inconvenience it has caused the customers who received the mailing.

In accordance with Commission rules, I am filing copies of this notice and request that it be included in the record of the proceeding identified above.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Banks", with a long horizontal flourish extending to the right.

~~Jonathan B. Banks~~

cc: Michelle Carey
Aaron Goldberger
Susan Pié
James Davis-Smith